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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Charles Grover,

Plaintiff,

v.

Draeger, Inc. and Draeger Safety, Inc.,

Defendants.

CIVIL ACTION NO. _____

Electronically Filed

**NOTICE OF REMOVAL
TO FEDERAL COURT**

[Previously pending in the Superior Court of
New Jersey, Law Division, Camden County,
CAM-L-003864-21]

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, defendants Draeger, Inc. and Draeger Medical Systems, Inc. f/k/a Draeger Safety, Inc. (collectively, “Defendants”) hereby remove this case from the Superior Court of New Jersey, Camden County, to the United States District Court for the District of New Jersey.

1. Pursuant to Rule 10.1(a) of the Local Civil Rules, the addresses of the named parties are as follows: Plaintiff, Charles Grover is domiciled at 7 Winter Court, Blackwood, NJ 08012 and is represented by Craig A. Falcone, Esquire of Sacchetta & Falcone, 308 East 2d Street, Media, PA 19063. Defendant Draeger, Inc., is a Pennsylvania corporation having its principal place of business at 3135 Quarry Road, Telford, Pennsylvania 18969. Defendant Draeger Medical Systems, Inc. is a Delaware corporation having its principal place of business at 3135 Quarry Road,

Telford, Pennsylvania 18969. Both Defendants are represented by Klehr Harrison Harvey Branzburg LLP, 1835 Market Street, Suite 1400, Philadelphia, PA 19103.

2. This Court has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendants, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. All other prerequisites for removal have been satisfied. Accordingly, Defendants hereby remove this case to this Court and state as follows.

BACKGROUND

3. Plaintiff, Charles Grover, commenced this action in the Superior Court of New Jersey, Camden County, on December 7, 2021. A copy of the Complaint is attached hereto as Exhibit A. According to the Complaint, this is a products liability action in which Plaintiff alleges that he was attempting to service a breathalyzer identified in the Complaint as an "Alcotest 7110 MK III," and he suffered "severe injuries when the glass jar attachment of the device ruptured, causing injuries" to his right hand. Compl. ¶¶ 1, 2.

4. Although Defendants have not admitted that they have been properly served, based on Plaintiff's affidavits of service attached as Exhibits B and C, Draeger, Inc. was served with a copy of the Complaint on December 15, 2021. Contrary to Plaintiff's affidavit of service as to Draeger Medical Systems, Inc., that entity has not been served with a copy of the Complaint. According to Plaintiff's affidavit, Plaintiff reports service of the Complaint at a former place of business of Draeger Medical Systems, Inc., which was vacated approximately fifteen years ago. This action is timely removed. 28 U.S.C. § 1446(b).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 110 and 1391 because it is the "district . . . embracing the place where such action is pending," and a substantial part of the alleged events giving rise to Plaintiff's claims are alleged to have occurred in this judicial district.

See 28 U.S.C. § 1441(a).

6. Defendants will promptly file a true and correct copy of this Notice of Removal with the Superior Court of New Jersey, Camden County, in accordance with 28 U.S.C. § 1446(d), and serve Plaintiff's counsel with a true and correct copy of this Notice of Removal, in accordance with 28 U.S.C. § 1446(d).

DIVERSITY JURISDICTION OVER PLAINTIFF'S CLAIMS

7. This Court has diversity jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. § 1332. Plaintiff is a New Jersey citizen. (*See* Compl. p. 1). Draeger, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with its principal place of business in Telford, Pennsylvania. Draeger Medical Systems, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Telford, Pennsylvania.

8. Based on the allegations of the Complaint, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Plaintiff seeks damages from allegedly "serious and debilitating injuries including, but not limited to, right hand injuries, right index finger injuries, scarring and disfigurement," including "great pain, suffering, inconvenience, embarrassment, mental anguish and emotional and psychological trauma," as well as "large sums of money for medical treatment rehabilitation and therapeutic treatment, and other attendant services," and lost earnings and loss of enjoyment of life. Compl. ¶¶ 10-13.

9. For the foregoing reasons, this Court has jurisdiction over this matter.

PROPRIETY OF REMOVAL

10. As required by 28 U.S.C. § 1446(b), this Notice is being filed within thirty days after the first service upon any Defendant of the Complaint, which is the initial pleading setting forth the claim for relief upon which the action is based.

11. All Defendants join in and consent to this Notice of Removal.

12. No Defendant is a citizen of New Jersey.

13. This Court embraces Superior Court of New Jersey, Camden County, where this suit was originally filed. Removal to this District is therefore proper under 28 U.S.C. § § 110, 1441(a).

14. Accordingly, this action may be removed from the Superior Court of New Jersey, Camden County and brought before this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

WHEREFORE, Defendants notice the removal of this case to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §§ 1441 and 1446 and respectfully requests that the Superior Court of the State of New Jersey, Camden County proceed no further with respect to this case in accordance with 28 U.S.C. § 1446.

Date: January 7, 2022

Respectfully submitted,

/s/ Thomas V. Ayala
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of January, 2022, a true and correct copy of the foregoing Notice of Removal and exhibits were served on the party listed below via Federal Express:

Craig A. Falcone, Esquire
Sacchetta & Falcone
308 East 2d Street
Media, PA 19063
Attorney for Plaintiff

/s/ Thomas V. Ayala
Thomas V. Ayala